

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

In Re:)	Case No. 17-45569-659
)	
	)	Chapter 13
Naomi Ruth Merritt, <i>Respondent</i>)	
	)	MOTION TO FILE PROOF OF
Federal National Mortgage Association ("Fannie Mae"), by	)	CLAIM OUT OF TIME
Seterus, Inc., <i>Movant</i>)	
vs.	)	Filed By: Federal National
	)	Mortgage Association ("Fannie
Naomi Ruth Merritt, <i>Respondent</i>	)	Mae")
)	
	)	Original Hearing Date:
and	)	February 15, 2018
	)	Original Hearing Time:
Diana S. Daugherty, <i>Trustee</i>	)	10:00 AM
)	
	)	Steven L. Crouch, #2903
	)	Daniel A. West, #98415
	)	13160 Foster Suite 100
	)	Overland Park, KS 66213-2660
	)	(913) 663-7600

MOTION FOR ORDER ALLOWING PROOF OF
CLAIM TO BE FILED OUT OF TIME
COMBINED WITH NOTICE OF HEARING

WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY FEBRUARY 8, 2018.

YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

THE HEARING TO BE HELD ON THE DATE AND TIME ABOVE BEFORE THE HONORABLE KATHY A. SURRATT-STATES IN THE UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF MISSOURI, 111 SOUTH 10TH STREET, 7 NORTH, ST. LOUIS, MO.

COMES NOW Federal National Mortgage Association (“Fannie Mae”), by Seterus, Inc., its successors or assigns, (“Creditor”), and in support of its motion, states as follows:

1. On June 20, 2003, Naomi R. Merritt executed a promissory note (the “Note”) in the principal sum of \$123,950.00. The Property is commonly known as 6815 Circle Drive, Cedar Hill, Missouri 63016.
2. The Property is the Debtor’s principal residence.
3. Contemporaneously with the execution of the Note, a Deed of Trust was executed to secure repayment of the Note. The Deed of Trust was recorded in the Register of Deeds of Jefferson County, Missouri, on July 1, 2003, Document No. 030048414.
4. Federal National Mortgage Association (“Fannie Mae”) is the holder of the Note and the lien on the property. Seterus, Inc. is the Servicer.
5. The Debtor’s Plan was confirmed on November 29, 2017. Creditor was listed as a secured creditor in the Plan.
6. On or about January 4, 2018, Creditor filed its proof of claim after the bar date of December 11, 2017 on property secured by virtue of the lien on the real property.
7. Due to mistake and excusable neglect, Creditor failed to timely file its proof of claim prior to the established bar date.
8. Creditor will be severely prejudiced and not adequately protected if it is not allowed to participate in the Debtors' Chapter 13 Plan.

WHEREFORE, Creditor, its successors or assigns, prays for an order allowing its Proof of Claim to be filed out of time, so that the Trustee may disburse payments to Creditor per the terms of the Debtor's confirmed Chapter 13 Plan.

SOUTHLAW, P.C.

/s/Lisa C. Billman

Steven L. Crouch, (MBE #37783; EDMO #2903; KSFd #70244)

Daniel A. West (MBE #48812; EDMO #98415; KSFd #70587)

Wendee Elliott-Clement (MBE #50311; KS #20523)

Lisa C. Billman (MBE #64535, KS #25177)

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moedbknoces@southlaw.com

ATTORNEYS FOR CREDITOR

CERTIFICATE OF MAILING/SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing was filed electronically on this January 10, 2018 with the United States Bankruptcy Court for the Eastern District of Missouri , and shall be served on the parties in interest via email by the Court pursuant to CM/ECF as set out on the Notice of Electronic Filing as issued by the Court and shall be served by U.S. Mail, First Class, postage prepaid, on those parties directed by the Court on the Notice of Electronic Filing issued by the Court and as required by the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court.

Naomi Ruth Merritt

6815 Circle Drive

Cedar Hill, MO 63016

RESPONDENT

Michael J. Watton

Watton Law Group

301 West Wisconsin Avenue

5th Floor

Milwaukee, WI 53203

ATTORNEY FOR RESPONDENT

Diana S. Daugherty

Chapter 13 Trustee

P.O. Box 430908

St. Louis, MO 63143

TRUSTEE

Office of the US Trustee

111 S Tenth St, Ste 6.353

St. Louis, MO 63102

U.S. TRUSTEE

SOUTHLAW, P.C.

/s/Lisa C. Billman

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